

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**SYMBOLGY INNOVATIONS,  
LLC,**

**Plaintiff,**

**v.**

**THE B-12 STORE, LLC,**

**Defendant.**

**Case No. 2:23-cv-00320-JRG-RSP**

**Jury Trial Demanded**

**PLAINTIFF’S ANSWER TO COUNTERCLAIMS**

Symbology Innovations, LLC (“Symbology,” “Plaintiff” and “Counter-Defendant”) hereby files this Answer to the Counterclaims filed by Defendant The B-12 Store, LLC (“The B-12 Store”) at Dkt. No. 6, and would respond as follows:

**PARTIES**

1. Symbology admits this allegation.
2. Symbology admits this allegation.

**JURISDICTION**

3. Symbology incorporates its responses above.
4. Symbology admits that the Counterclaims purport to raise claims under the patent laws of the United States. Symbology denies such claims.
5. Symbology does not contest personal jurisdiction.
6. Symbology admits that venue is proper in this District. Symbology otherwise denies this allegation to the extent it suggests another venue is more convenient.

**COUNT I**  
**DECLARATION REGARDING [ALLEGED] NON-INFRINGEMENT**

7. Symbology incorporates its responses above.
8. Symbology admits this allegation.
9. Symbology denies this allegation and demands strict proof thereof.
10. Symbology denies this allegation and demands strict proof thereof. Symbology further denies that The B-12 Store is entitled to any relief whatsoever.

**COUNT II**  
**DECLARATION REGARDING [ALLEGED] INVALIDITY**

11. Symbology incorporates its responses above.
12. Symbology admits this allegation.
13. Symbology denies this allegation and demands strict proof thereof.
14. Symbology denies this allegation and demands strict proof thereof. Symbology further denies that The B-12 Store is entitled to any relief whatsoever.

**PRAYER FOR RELIEF**

Symbology denies all allegations in The B-12 Store's Prayer for Relief, and further denies that The B-12 store is entitled to any relief whatsoever.

**AFFIRMATIVE DEFENSES**

1. **Failure to State a Claim.** The Counterclaims, and each count therein, fail to state a claim upon which relief may be granted.
2. **Unjust Enrichment.** The B-12 Store improperly enriched itself and should not benefit for its improper and illegal acts.
3. **Validity.** Symbology affirmatively pleads that all of Asserted Patents are valid.

4. **Infringement.** Symbology affirmatively pleads that The B-12 Store has infringed, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement), all valid, enforceable claims of the Asserted Patents.
5. **Lack of Standing.** The B-12 Store does not have any right or standing to assert the claims at issue.
6. **Legal Doctrine.** The B-12 Store's Counterclaims against Symbology are barred by one or more of the equitable doctrines of laches, estoppel, acquiescence, waiver, and unclean hands.
7. **Reservation.** Symbology reserves the right to assert additional affirmative defenses as they become known through additional investigation and/or discovery during the course of this litigation.

Dated: September 5, 2023

Respectfully Submitted

/s/ Randall Garteiser

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